

Message Text

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21

ORIGIN L-03

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04 H-02

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DRAFTED BY L/EUR:DHSMALL:MJR

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FM SECSTATE WASHDC

TO AMEMBASSY MADRID IMMEDIATE

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E.O. 11652: N/A

TAGS: MARR, SP, US

SUBJECT: SPANISH BASE NEGOTIATIONS: PRIVILEGES AND
IMMUNITIES FOR COUNCIL PERSONNEL

REFS: A-STATE 21251, B-MADRID 690, C-STATE 23466

1. IF NOTES HAVE NOT ALREADY BEEN EXCHANGED WITH SPANISH
ON PRIVILEGES AND IMMUNITIES, WE WOULD LIKE TO DELETE THE
COMMA AND THE WORDS "OR SERVICE" AFTER THE WORDS "ADMIN-
ISTRATIVE AND TECHNICAL." DOD HAS POINTED OUT THAT IT
USES SERVICEMEN AS DRIVERS AND IN OTHER FUNCTIONS WHICH
EMBASSIES CONSIDER SERVICE STAFF, AND THAT, AS IN THE CASE
OF MAGS, THE MINIMUM P & I NORMALLY APPLIED TO SERVICEMEN
IN THESE POSITIONS IS THAT OF TECHNICAL AND ADMINISTRATIVE
STAFF. IF THE VIENNA CONVENTION OPTION IS ADOPTED, NOTE WOU
READ, IN SUBSTANTIVE PART:

BEGIN TEXT ...THE NORM TO BE APPLIED IS THAT OF THE VIENNA
CONVENTION ON DIPLOMATIC RELATIONS. THE PARTICIPANTS IN
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THE WORK OF THE COUNCIL, WILL, THEREFORE, RECEIVE THE

PRIVILEGES AND IMMUNITIES ACCORDED THEREUNDER TO PERSONS OF EQUIVALENT RANK AND FUNCTION WHO ARE MEMBERS OF THE DIPLOMATIC, OR ADMINISTRATIVE AND TECHNICAL STAFF, AS APPROPRIATE. END TEXT.

2. SINCE WE ARE NOW PURSUING SOLUTION OTHER THAN USE OF 22 USC 288, WE NEED TO SEND P AND I NOTES UP TO SENATE AS PART OF THE PACKAGE ON WHICH ADVICE AND CONSENT TO RATIFICATION IS GIVEN. WHILE VIENNA CONVENTION IS IN FORCE FOR U.S., IT DOES NOT, BY ITS TERMS, APPLY TO PERSONS OTHER THAN MEMBERS OF A DIPLOMATIC MISSION AND ITS EXTENSION TO THE COUNCIL PARTICIPANTS REQUIRES TREATY OR LEGISLATION. THEREFORE, PER REF A, IT IS IMPORTANT THAT NOTES BE AGREED ASAP. WE HOPE TO TRANSMIT PACKAGE TO WHITE HOUSE BY COB MONDAY TO GET TREATY TO SENATE BEFORE FEBRUARY 6 RECESS. TO DO SO, WE NEED TO RECEIVE TEXT OF AGREED NOTES TELEGRAPHICALLY. WE ARE ARRANGING WITH SENATE TO PROVIDE THEM UNOFFICIAL TEXT OF THIS ONE EXCHANGE ON AN EXCEPTIONAL BASIS, WITH OFFICIAL AND CERTIFIED TEXTS TO FOLLOW IMMEDIATELY UPON RECEIPT FROM MADRID. KISSINGER

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Message Attributes

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